

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

Jason Masters,	)	
	)	
Plaintiff,	)	C.A. No. 1:25-1432-RMG
	)	
v.	)	
	)	
Lt. Berry, <i>et al.</i> ,	)	
	)	<b>ORDER</b>
Defendants.	)	
	)	
	)	

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This matter comes before the Court on a Report and Recommendation of the Magistrate Judge (“R & R”) recommending that the Plaintiff’s claim against the Cherokee County Detention Center under 42 U.S.C. § 1983 be summarily dismissed because only “persons” are subject to suit in a § 1983 claim. (Dkt. No. 15). The Magistrate Judge’s recommendation of summary dismissal is based on the well established legal principle that an entity, such as the Charleston County Detention Center, is not subject to liability under § 1983. Plaintiff was advised that he had 14 days to file objections to the R & R, and the failure to do so would limit the district court to clear error review and waiver of the right to appeal the district court’s decision. (*Id.* at 5). Plaintiff filed no timely objections to the R & R.

**I. Legal Standard**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the

Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the Report for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee's note).

## **II. Discussion**

The Court finds that the Magistrate Judge properly summarized the factual and legal issues involved and correctly concluded that Plaintiff's claims against Defendant Cherokee County Detention Center should be summarily dismissed because an entity cannot be liable under § 1983.

## **III. Conclusion**

In light of the foregoing, the Court **ADOPTS** the R & R of the Magistrate Judge (Dkt. No. 15) as the order of the Court and **SUMMARILY DISMISSES** Cherokee County Detention Center as a defendant in this action.

**AND IT IS SO ORDERED.**

s/Richard Mark Gergel  
Richard Mark Gergel  
United States District Judge

April 22, 2025  
Charleston, South Carolina